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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3382 OF 2006

Pradeep Pandurang Munde .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.R.S.Deshpande with Mr.P.L.Sapkale for applicant

Ms.M.H.Mhatre, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 26th September 2006

P.C.

. Applicant is an accused in connection

with C.R.I-182 of 2006 registered with Mumbra Police Station. Offences alleged are punishable under section 302, 147 to 149, 120B and 34 I.P.C. so also section 37(1) and 137 of Bombay Police Act.

2. The applicant is a rickshaw driver and he is under arrest since 17th May 2006. The C.R. is registered at the instance of brother of the deceased who has deposed that the deceased was summoned in the midst of some celebrations at a family function and after he received that call on his mobile phone, he left that place. Thereafter, he was never traceable. His dead body was found later on. The applicant has been named on the basis of statements of the PCO booth operator and a waitress at a restaurant.

3. Mr.Deshpande for applicant submits that the only role attributed to the applicant is of calling up the deceased and summoning him. Beyond that, as far as the alleged assault on him

is concerned, applicant has not been attributed any role. In such circumstances and considering the fact that the applicant is poor rickshaw driver with a family to support, the application be considered. More so, when charge sheet is filed and the applicant is willing to abide by the condition of not to enter the limits of Mumbra police station initially for a period of three months.

4. Learned A.P.P. does not dispute the above facts. Prima facie, according to her, in the assault, there is no participation of the applicant. There is no recovery of any weapon as well. In the above circumstances, applicant has made out a case for enlargement on bail. Investigations are complete and charge sheet is filed and considering the limited role attributed to the applicant, following order would meet the ends of justice.

i) The applicant arrested in

connection with C.R.No.I-182 of 2006 registered with Mumbra Police Station shall be enlarged in the sum of Rs.5,000/- with one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will remain present before Manpada police station once a week on every Friday between 5.00 p.m. and 7.00 p.m. initially for a period of three months and thereafter as directed by the trial court. The applicant shall not enter limits of Mumbra police for an initial period of three months and thereafter as directed by the trial court.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details about his place of residence and address

where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this

order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)